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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,633	12/05/2003	Tomasz Kozlowski	Kokicki.4001	9094
34313 7590 09/11/2007 ORRICK, HERRINGTON & SUTCLIFFE, LLP IP PROSECUTION DEPARTMENT 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558			EXAMINER MONTOKA, OSCHTA I	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,633	<b>Applicant(s)</b> KOZLOWSKI, TOMASZ	
	<b>Examiner</b> Oschta Montoya	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/09/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis, US 6,766,526.

Regarding claim 1, Ellis discloses a method of switching channels in a receiver (Col. 3, lines 66-67, Col. 4, lines 1-2) especially in a digital television receiver in which groups are assigned to channels (Col. 9, lines 57-58),

characterized in that a channel is manually chosen as a selected channel, a switching takes place to receive the selected channel, a previously active group is deactivated by means of a control signal, a group assigned to the selected channel is activated (when user inputs channel 14, the previous active group or the group that was on the screen is deactivated, HBO shows up with all its related channels, figure 10, Col. 8, lines 62-67, Col. 9, lines 1-5)

next, with the use of a switching function, a next or previous channel is selected, wherein the next or the previous channel is searched and the receiver is set to receive the next or previous channel by means of the control signal (Col. 9, lines 7-19).

Regarding claim 2, Ellis discloses the method of claim 1 wherein groups to be activated are defined by type of channel is manually selected, the earlier active group is deactivated, and a group of a specific type assigned to the given channel is activated (figure 11, Col. 9, lines 32-50).

Regarding claim 3, Ellis discloses the method of claim 1 wherein the channel is manually selected and wherein the activated group is selected from a list of groups (Col. 9, lines 57-65).

Regarding claim 4, Ellis discloses the method of claim 1 wherein channels not assigned to any group are added to the group of channels belonging to active groups (user selects channel 4, which is added to active list of channels shown on the screen, 128-figure 8, Col. 7, lines 45-52).

Regarding claim 5, Ellis discloses the method of claim 1 wherein the control signal simultaneously switches to receive the specific channel and the name of the group to which the channel belongs is displayed on a screen of the receiver (when the user selects a channel the name of the group appears next to the channel number, 85-figure 10 and 11).

Regarding claim 7, Ellis discloses the method of claim 6 wherein channels assigned to any group are added to groups of channels belonging to active groups (user selects channel 4, which is added to active list of channels shown on the screen, 128-figure 8, Col. 7, lines 45-52).

Regarding claim 8, Ellis discloses the method of claim 6 wherein control signal simultaneously switch to receive a specific channel and the name of the group of the specific channel is displayed on the screen of the receiver (when the user selects a channel the name of the group appears next to the channel number, 85-figure 10 and 11).

Regarding claim 9, Ellis discloses the method of claim 6 wherein the receiver is a digital television receiver (Col. 3, lines 43-45).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Young, US 5,151,789.

Regarding claim 6, Ellis discloses a method of switching channels in a receiver (Col. 3, lines 66-67, Col. 4, lines 1-2) in which groups are assigned to channels (Col. 9, lines 57-58), characterized in that a list of active groups are defined (HBO and USA with their related channels, figure 10 and 11), and by means of a switching function, a next or a previous channel belonging to the currently active group is selected (Col. 9, lines 7-19).

Although, Ellis teaches the use of a processor to handle the selection and tuning of channels (Col. 3, lines 66-67, Col. 4, lines 1-2), Ellis fails to specifically say that a control signal switches a decoder to the next or previous channel.

In an analogous art, Young teaches by means of control signal, the decoder is switched to the next or previous channel (Col. 4, lines 54-67, Col. 5, lines 1-14). This is how channels are selected.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oshta Montoya whose telephone number is (571) 270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OM

  
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